

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

CRIMINAL #03-10361-RWZ-03

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UNITED STATES

v.

SCOTT FINK

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**MOTION FOR AN ORDER DIRECTING  
MARSHALS TO MAKE DEFENDANT AVAILABLE TO  
BRISTOL COUNTY SHERIFF'S DEPARTMENT ON  
NOVEMBER 4, 2005 FOR HEARING IN FALL RIVER DISTRICT COURT**

The defendant Scott Fink moves that the Court order that the U.S. Marshals Service make the defendant available to the Bristol County Sheriff's Department on November 4, 2005 so that the defendant can be taken to the Fall River District Court for a hearing on that date. In support of this motion, the defendant states:

1. The defendant has been detained on this case since he was brought into the federal system.
2. The defendant has challenged several of his underlying state court convictions that were imposed in the Fall River District Court. The Court, Hon. Gilbert J. Nadeau, Jr., has scheduled a hearing on those motions to withdraw his guilty pleas for November 4, 2005 in the Fall River District Court. Judge Nadeau has issued a writ of habeas corpus ad prosecudendum for Mr. Fink's appearance. A copy is attached. The Marshals Service will not honor the writ unless this Court enters an order requiring it to do so.

3. The hearing in the Fall River District Court will be concluded on November 4, 2005, so the defendant can be returned to federal custody on that date.
4. If the motions are granted, the defendant's criminal history calculation in this court will be affected.

Respectfully submitted,

**SCOTT FINK**

By his attorney,

/s/ Charles W. Rankin

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Charles W. Rankin, BBO #411780  
Rankin & Sultan  
One Commercial Wharf North  
Boston, MA 02110  
(617) 720-0011

**HABEAS CORPUS  
FOR PROSECUTION**Case Number 0361-RWZ  
Docket Number 102  
9932CR005043Filed 10/28/2005 Page 2 of 3  
Trial Court of Massachusetts  
District Court Department

DEFENDANT NAME

FINK, SCOTT

COURT NAME &amp; ADDRESS

Fall River District Court  
289 Rock Street  
Fall River, MA 02720  
(508) 679-8161

DEFENDANT DOB

06/05/1972

SEX

M

SSN

012-56-9322

PCF NUMBER

NAME AND ADDRESS OF INSTITUTION

PLYMOUTH HOUSE OF CORRECTION  
26 LONG POND ROAD  
PLYMOUTH, MA 02360

NEXT EVENT

**MOTION HEARING**

NEXT EVENT DATE &amp; TIME

**11/4/2005 9:00 AM**

COURTROOM

**1**

←←←←←

DEFENDANT MUST  
APPEAR AT ABOVE  
COURT ON THIS  
DATE AND TIME  
←←←←←**TO THE OFFICIAL IN CHARGE OF THE INSTITUTION NAMED ABOVE:**

You are hereby ORDERED to bring the defendant named above, who is presently in your custody, before this court on the date and time indicated above for the event indicated.

If the above named defendant is transferred from your facility prior to the appearance date, please transmit this writ with the defendant to the new facility. If the defendant is released from custody, please notify the court immediately.

**FURTHER ORDERS OF THE COURT:***DEFENDANT TO APPEAR AT 45 ROCK STREET*

TESTE OF FIRST JUSTICE

**WITNESS:** Hon. Gilbert J. Nadeau, Jr

DATE ISSUED

10/17/2005

CLERK-MAGISTRATE / ASST. CLERK

**X****RETURN**

I certify that:

☐

I have produced the defendant in court as ordered.

☐

I am unable to produce the defendant and I am returning this writ to the court because:

DATE OF RETURN

SIGNATURE OF PERSON MAKING RETURN

**X**

TITLE OF PERSON MAKING RETURN

*Copy*